

DIST/OFFICE	DOCKET		FILING DATE			J	N/S	O	R	R 23	\$	DEMAND		JUDGE NUMBER	JURY DEM.	YR.	DOCKET	
	YR.	NUMBER	MO.	DAY	YEAR							OTHER	NUMBER				NUMBER	NUMBER
1085/4	76	0549	10	29	76	1	220	1			5		8509			76	0549-B	

## PLAINTIFFS

UNITED STATES OF AMERICA

## DEFENDANTS

PATRICK B. BEVENUE, SR., ETHA  
MAE BEVENUE, TOM R. GILBERT,  
NELL M. GILBERT, and BILBO  
NEWMAN, INC.; and  
SAPULPA LUMBER COMPANY, INC.

## CAUSE

28 USC 1345 Suit on Proissory Note &amp; Foreclosure of Real Estate Mortgage

## ATTORNEYS

Robert P. Santee  
Asst. U. S. Atty.

~~W.H. Higgins~~ ~~Tom Lucas (Patrick B. Bevenue Sr.)~~  
2-17-77 ~~322 Security Bldg.~~  
~~Sapulpa, OK 74066 224-4787~~

Lester D. Henderson (Tom R. & Nell  
Wilson, Henderson & Gilbert)  
Filbeck (Sapulpa Lumber  
P. O. Box 1346 Co.)  
Sapulpa, Okla. 74066 224-4787

~~Gordon D. McAllister, Jr.~~  
~~(Patrick B. Bevenue, and Etha~~  
~~mae Bevenue)~~  
~~122 North Greenwood 74120~~  
~~Tulsa, OK.~~  
~~(918) 582-9181~~

Patrick B. Bevenue, Sr. Pro Se  
Etha Mae Bevenue  
Route 13, Box 515  
Tulsa, OK 74107

George E. Brewer (Bevenues)  
312 Mayo Bldg. 812 Franklin Bldg.  
Tulsa, OK 74103  
918-584-4748

Charles R. Hogshead  
~~Don K. Barnes (M/M Bevenue)~~  
Patricia Whittaker  
Okla. Green Country Legal Aid  
Society  
630 West 7th, Suite 500  
Tulsa, OK 74127  
918/584-3338

☐ CHECK  
HERE  
IF CASE WAS  
FILED IN  
FORMA  
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## FILING FEES PAID

DATE

RECEIPT NUMBER

C.D. NUMBER

## STATISTICAL CARDS

CARD

DATE MAILED

JS-5

11-01-76

JS-6

11-1-78

DATE 1976	NR.	PROCEEDINGS
10-29 11-12	1	Complaint, filed. Summons issued.k Summons, ret. & filed: served Tom R. Gilbert, Wagoner, Ok., & Nell M. Gilbert, Wagoner, Ok. on 11-9-76; served Patrick B. Bevenue, Sr. and Etha Mae Bevenue, Tulsa, Ok. on 11-2-76; <u>unserved</u> as to Bilbo Newman, Inc. (USM \$25.04)g
11-18	2.	Deft. Patrick B. Bevenue, Sr.'s appl. for time til 2-21-77 w/in which to plead or answer, filed.k
11-19	3	Order, filed, granting Deft. Patrick B. Bevenue, Sr., 90 days from 11-22-76, to plead or answer.(AEB-J)b cps mld
11-24	4.	Defts. Tom R. Gilbert and Nell M. Gilbert's answer and <u>Cross-Complaint</u> against the defts. Patrick B. Bevenue, Sr., and Etha Mae Bevenue, filed.s
11-24		USM service of cross-complaint, ret. & filed: served Patrick B. Bevenue, Sr. and Etha Mae Bevenue, Tulsa, Ok. 11-24-76. (USM \$8.88)g
12-8	5.	Defts. Patrick B. Bevenue, Sr., and Etha Mae Bevenue's answer to Cross Complaint of defts. Tom R. Gilbert and Nell M. Gilbert, filed.s
<u>1977</u> 2-4	6.	Pltf's application to file amendment to complaint, filed.s O to J
2-7	7.	Order, filed, allowing pltf. to file an amendment to complaint. (AEB-J)k
2-9	8.	Pltf's amendment to complaint to add party, filed.s
2-15	9.	Withdrawal of Tom Lucas as atty. for defts. Bevenue, filed.k
2-17	10.	Appl. of Tom Lucas to w/draw as atty. for defts. Bevenue, filed.k O to J
2-17	11	Order, fld. granting Tom Lucas to w/draw as atty. for deft's Bevenue (AEB-J) cps. mld. ho
2-18	12	Deft's appl. for ext of time to plead or answer. fld. O to J. ho
2-23	13	Order, fld. granting Deft's Patrick Bevenue, Sr. and Etha Mae Bevenue, an ext. of time until 3-24-77 to file a plead or answer. (AEB-J) ho cps mld
3-7	14.	Answer of deft. Sapulpa Lumber Co., filed.k
3-24 4-7	15.	Answer of Defts. Patrick and Etha Mae Bevenue, fld. v Ret. of USM service of summons & amend. to compl. fld. Served Patrick B. Bevenue, Sr. on 4-7-77 in Tulsa; served Etha Mae Bevenue by serving Patrick B. Bevenue on 4-7-77 in Tulsa; served Tom R. Gilbert on 2-16-77 in Wagoner, OK; served Nell M. Gilbert on 2-16-77 in Wagoner, OK; unserved Bilbo Newman, Inc.; served Sapulpa Lumber Co., Inc. by serving Steve Welter, President, on 3-3-77 in Sapulpa, OK. (USM \$17.82) ho
4-15	16	Pltf. mot. for service by publication pursuant to 28 USC 1655. fld. O to J. ho
5-2	17	Order for service by publication.(AEB-J) fld. ho
12-6	18	Mot. to w/draw as atty. of record of Gordon D. McAllister, Jr. for Defts. Patrick & Etha Mae Bevenue. fld. ho O to J.
12-9	19	Order, filed, allowing Gordon McAllister, Jr., to w/draw as counsel for defts. Bevenue, said atty. to forward a copy of this order to defts. by both certified & regular mail. Further, said defts. shall obtain new counsel who shall file his entry of appearance w/in 10 days, w/ service on pltf. counsel. (AEB-J)k cps mld to movant
<u>1978</u> 1-4	20	Pltf. mot. for setting. fld. ho
1-4	MO	IT IS ORDERED that the mot. for setting and the non-jury trial are referred to Mag. Robt. Rizley pursuant to Order No. M-128 for findings & recommendations. (AEB-J)k

## CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. <u>76-C-549</u>
U.S.A.		Patrick B. Bevenue, Sr., et al	PAGE <u>3</u> OF <u>2</u> sheets <del>PAGES</del>
DATE	NR.	PROCEEDINGS	
1978			
1-9	MO	Case set for pre-trial before the Mag. on 1-19-78 at 10:45 a.m. (RSR-Mag)k ntc by KT	
1-17	MO	Case stricken from PT on 1-19-78 and re-set for 1-27-78 at 4 P.M. ntc by mg (RSR-Mag)	
1-18	MO	Pre-trial hrg. before Mag. on 1-27-78 at 4:00 p.m. is reset for 2:00 p.m. (RSR-Mag)k ntc by KT	
1-27	Min	Case called for pre-trial hrg. before Mag. Parties present and represented. Pltf. & defts. Gilbert & Sapulpa Lumber Co. granted leave to file mot. for S/J w/in 20 days. Pltf. to prepare pre-trial order w/in 20 days. (RSR-Mag)k	
2-2		Reporters transcript of mot. hrg. had on 1-27-78 before Mag., taken by Linda Walker, LSR. fld. ho	
2-22	21	Pltf. mot. for S/J. fld. ho	
2-22	22	Pltf. brief in supp. of mot. for S/J w/affids of Donal Rogers. fld. ho	
2-22	MO	It is ordered that the Defts. are granted 10 days to file a responsive brief to Pltfs. mot. for S/J. (AEB-J) c/m ho	
2-27	23.	Motion for S/J of defts. Tom R. & Nell M. Gilbert & Sapulpa Lumber Co., filed.k	
2-27	24.	Brief in support of mot. for S/J of defts. Gilbert & Sapulpa Lumber Co., filed.k	
2-27	MO	Defts. Patrick & Etha Bevenue are granted 10 days to respond to the mot. for S/J filed by defts. Gilbert & Sapulpa Lumber Co. (AEB-J)k cps mld	
3-9	25	Defts. Patrick Bevenue & Etha Bevenue mot. for ext. of time to respond to mot. for S/J. fld. ho O to J.	
3-9	26	Entry of appearance of Don K. Barnes & Patricia Whittaker for Defts. Patrick Bevenue & Etha Bevenue, fld. ho	
3-9	MO	The Court has for consideration the mot. of defts. Bevenue for an ext. until 3-20-78 to respond to the mot. for S/J filed by defts. Gilbert & Sapulpa Lumber Co., & finds that said mot. should be granted. IT IS SO ORDERED. (AEB-J)k cps of orig order mld to movant	
3-28	27	Defts. M/M Bevenue mot. to enlarge time to respond to mot. for S/J. fld. ho O to J.	
3-29	28	Order, filed, granting defts. Patrick & Etha Bevenue until 4-10-78 to respond to mot. for S/J of defts. Gilbert & Sapulpa Lumber Co. (AEB-J)k cps mld to movant	
4-11	29	Don K. Barnes & Patricia Whittaker, mot. to w/draw as attys. of record for M/M Bevenue, & appl. for ext. of time to respond to mot. for S/J, fld. ho O to J.	
4-11	30	Order, filed, that Don Barnes and Patricia Whittaker are allowed to w/draw for defts. Bevenue, that all subsequent pleadings be served on the Clerk of Court, and that defts. secure new counsel and file a response to the mot. for S/J of defts. Gilbert & Sapulpa Lumber Co. w/in 10 days. (AEB-J)k cps mld to movant	
5-3	MO:	Case is set for disposition before Mag. Rizley on 5-26-78, at 9:30 A.M., for failure of defts' Bevenue to secure new counsel & file response to motion for S/J of defts Gilbert & Sapulpa Lumber, due 4-21-78.(RSR-Mag) b nts mld	
5-22	31	Affid. of George E. Brewer, with Atty. Lien Claimed, fld. ho	

## CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT		DOCKET NO. _____
				PAGE ____ OF ____ PAGES
DATE 1978	NR.	PROCEEDINGS		
5-26		Case called for disposition for failure of defts' Bevenue to secure new counsel & file response to motion for S/J of defts Gilbert & Sapulpa Lumber. Govt. rep. by Carrasquillo. Deft. Bevenue rep. by G. Brewer. Deft. makes statement & requests Matter be passed to August. Mag. Recommends motion for S/J be sustained; passes matter for hearing atty fees on 6-19-78 before Mag. & to finalize amts due various lien holders. (RSR-Mag) b		
6-8	MO	Case set for hrg. before the Mag. on attys' fees & to finalize amts. due to vaious lien holders on 6-19-78 at 9:30 a.m. (RSR-Mag)k cps by KT		
6-19	MO	Hrg. set before the Mag. on attys' fees & to finalize amts. due to various lien holders on 6-19-78 at 9:30 a.m. is stricken pending filing of the judgment based upon settlement of the case by all parties. (RSR-Mag)k		
7-3	32	<del>Defts. Bevenue's cert. cps. of assignment of real estate mortgage &amp; assignment of promissory note, mortgage of real estate and chose of action, fld. ho</del>		
7-6	MO	Case set for disposition before the Mag. on 7-17-78 at 9:30 a.m. (RSR-Mag)k ntc by KT		
7-7	33	Pltf. appl. for order substituting parties, fld. ho 0 to Mag. by Atty.		
7-14	34	Defts. Patrick & Etha Mae Bevenue appl. for leave to substitute counsel, fld. ho		
7-14	35	Defts. Patrick & Etha Mae Bevenue appl. for leave to file supplemental pleadings, amended ans. & counterclaim, fld. ho 0 to J.		
7-14	36	Defts. Patrick & Etha Mae Bevenue mot. for continuance re: hrg. on mot. to settle journal entry on 7-17-78, fld. ho 0 to J.		
7-17	37	Defts Bevenues assignment of chose in action, account, note or contrace, re: Sapulpa Lumber Co., fld. ho		
7-17	MO:	Hearing passed to disposition docket on 7-27-78, at 9:30 A.M. (RSR-Mag) b		
7-20	38	Defts. M/M Bevenue brief in supp. of appl. for leave to file supplemental pleadings, amended ans. & counterclaim, w/affid. of Patrick B. Bevenue, Sr. & Etha Mae Bevenue, fld. ho		
7-20	MO	Case set for disposition before the Mag. on 7-27-78 at 2:00 p.m. (RSR-Mag)ho ntc. by KT		
7-24	39	Trustee George E. Brewer response brief, to Defts. Bevenue appl. for leave to file suppl. pleadings, w/atty. lein claimed. fld. ho		
7-27	Min	Case called for disposition before the Mag. Parties represented. Mag. recommends that pltf's appl. for Order substituting parties be overruled; appl. of defts. Bevenue to substitute counsel be sustained & overruled in parts; appl. of defts. Bevenue for leave to file supplemental pleadings, amended answers & counterclaims be denied. Mag. to prepare F&R. Pltf. to prepare proposed Journal Entry of Judgment consistent w/ recommendation of Mag. to sustain pltf's mot. for S/J filed 2-22-78 and defts. Gilbert & Sapulpa Lumber Co.'s mot. for S/J filed on 2-27-78. (RSR-Mag)k		
8-2	40	Findings & Recommendations of the Mag., filed. Mag. recommends that the mots. for S/J of pltf. & defts. Gilberts & Sapulpa Lumber Co. be sustained & that pltf's appl. to substitute parties and defts', Bevenues, appl. to file supplemental pldgs. be denied. Further recommended that the appl. for leave to substitute counsel for Bevenues be sustained.		

(RSR-Mag)

## CIVIL DOCKET CONTINUATION SHEET

FPI-MAR

PLAINTIFF

DEFENDANT

DOCKET NO. \_\_\_\_\_

PAGE \_\_\_\_ OF \_\_\_\_ PAGES

DATE  
1978

NR.

PROCEEDINGS

8-14

41

Pltf. objection to Mag. F/R w/brief, fld. ho

8-14

MO

It is ordered that the Defts. are granted 10 days to file a responsive

brief to Pltf. objection to Mag. F/R. (AEB-J)ho c/m

8-14

42

Defts' opposition and brief in oppos. to findings & recommendations  
of Magistrate, fld. ra

8-21

43

Trustee Brewer reply to objections to F/R of Mag. w/atty. lien  
claimed. fld. ho

10-17

44.

Order, filed & entered, that the mot. to substitute filed by the  
defts. Bevenue is sustained and George E. Brewer, Trustee, is sub-  
stituted for the pltf. and the defts. Bilberts & Sapulpa Lumber Co.  
Sua sponte, this cause of action and compl. are dismissed w/out  
prejudice. Further, the objs. of the defts. Bevenue to F&R are  
sustained as they relate to the denial of the mot. to substitute.

~~Further, the Court makes no ruling on the other mots. and objections~~  
raised, the dismissal having mooted them. (AEB-J)k cps mld

PLAINTIFF		DEFENDANT	DOCKET NO. _____
			PAGE ____ OF ____ PAGES

DATE	NR.	PROCEEDINGS
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